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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,541	11/06/2000	Elijah Shapira	3561-68	1290
20575	7590	08/08/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 08/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/707,541

Applicant(s)

SHAPIRA ET AL.

Examiner

Timothy M. Harbeck

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/20/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al (hereinafter Papierniak, US Pat No 6,128,624) in view of Holland et al (hereinafter Holland, US Pat No 6,505,242 B2).

**Re Claim 1:** Papierniak et al. discloses:

A method for tracking and reporting electronic commerce activity over a web site comprising:

storing a web page on a first server (308) coupled to a wide area network, said web page including data fields reflecting commerce transaction activity and data mining code; accepting commerce information within the data fields of the web page at the visitor computer to form a completed web page (306; col.3, lines 13-53).,

receiving the technical and commercial data at a second server (method steps of figs. 8-15, col.3, line 22-co1.5, line 58).

Papierniak does not explicitly disclose the steps of:

operating the data mining code on the visitor computer to obtain technical and commercial data, and

uploading the web page including the data fields and data mining coda to a visitor computer responsive to a request over the wide area network from the visitor computer.

Holland discloses a method for accessing page bundles on a portable client having intermittent network connectivity, wherein data mining applications deduce patterns and/or relationships from data stores such as databases using statistical analysis techniques to track behavior patterns of users accessing a web server (Column 4, lines 52-59). Furthermore Holland discloses that this data mining software can be used for use in tracking consumer behavior in an ecommerce market (Column 5, lines 13-16). It would have been obvious to someone skilled in the ordinary art at the time of invention to include the teachings of Holland to those of Papierniak so that useful information of individuals can be obtained to aid in making business decisions.

**Re Claim 2:** Papierniak further discloses receiving the completed web page at the fast server (col.2, line 57-co1.3, line 65); generating an order confirmation web page incorporating the commerce information from the data fields of the completed web page, said order confirmation web page including the data mining code; and uploading the order confirmation web page to the visitor computer (method steps of figs. 8-15; col.3, line 22-col.5, line 58).

**Re Claim 3:** Papierniak further discloses The method for tracking and reporting electronic commerce activity of claim 2, further including the steps of associating variables within the data mining code to the commerce information within the order confirmation page; confirming the commerce information at the visitor computer',

receiving the order confirmation page from the visitor computer at the first server responsive to the step of confirming the commerce information; and receiving the associated variables at the second server responsive to the step of confirming the commerce information (col.3, line 63-col.4, line 10).

**Re Claim 4:** Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product name of the commercial transaction (col.3, line 63-col.4, line 10).

**Re Claim 5:** Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product category of the commercial transaction (col.16, lines 36-37).

**Re Claim 6:** Papierniak further discloses the step of associating variables includes the steps of associating a variable with a number of products purchased in the commercial transaction (col.15, lines 11-col.17, line 38).

**Re Claim 7:** Papierniak further discloses the step of associating variables includes the steps of associating a variable with a unit price of the commercial transaction (col.15, lines 11-col.17, line 38).

**Re Claim 8:** Papierniak further discloses the steps of compiling the variables into a commercial transaction report; and posting the report for viewing over the wide area network (figs. 15-15A)

**Re Claim 9:** Papierniak further discloses the steps of embedding the commercial data within a URL request directed at the second server (Col 12, lines 37-50)

***Response to Arguments***

Applicant's arguments filed September 20, 2004, with respect to the rejection(s) of claim(s) 1-9 under USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Papierniak in view of Holland. Applicant has argued that the Papierniak reference does not show the steps of uploading a webpage with data fields and mining code to the visitor computer and operating the data mining code on the visitor computer to obtain commercial and technical data, and that instead the data would be obtained from the ISP or CSP computers. While the examiner believes that the Papierniak does hint at these steps with such statements as "It is another feature and advantage of the present invention to collect data which indicates where a user (individual) has been in prior sessions," (Column 2, lines 61-65), and "It is another feature and advantage of the present invention to provide an architecture and method used to support and analyze Internet and/or electronic commerce data over or from the World Wide Web for CSPs/ISPs." (Column 2 line 66-Column 3 line 2), the examiner has provided the Holland reference as more definitive support. While the applicant argues in the Papierniak reference, "any commercial or technical data would be obtained from the ISP or CSP computers," however the technology is in place to obtain information from the individual "visitor computer." Applicant also argues that the Papierniak reference depends upon election by the visitor to manually enter information based on requests made by the system. While the examiner agrees, the language in Claim 1 of applicant's disclosure states in part "accepting commerce information within the data fields of the web page at the

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visitor computer to form a completed web page." This language essentially claims the same step of manually entered data disclosed in the Papierniak reference to which the applicant believes teaches away from his/her invention. The examiner thus argues that that manually entering data does not teach away from applicant's invention since it is actually disclosed by the applicant.

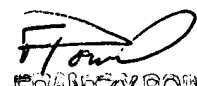
Applicant has not provided any arguments for claims 2-9, other than that they depend from claim 1. Therefore the previous rejections, falling in line with the new rejection of claim 1 are maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
FRANTZY POWWL  
PRIMARY EXAMINER  
Au 3628